

REMARKS

Summary of Office Action

Claims 51-56, 58, 60-81, 83, and 85-100 are pending in this application. The Examiner has rejected claims 51, 52, 54-56, 58, 60-62, 65, 66, 68, 71, 72, 74-77, 79-81, 83, 85-87, 90, 91, 93, and 96-100 under 35 U.S.C. § 102(e) as being anticipated by Matthews, III et al. U.S. Patent No. 6,025,837 (hereinafter "Matthews"). The Examiner has also rejected claims 53 and 78 under 35 U.S.C. § 103(a) as being obvious from Matthews in view of Hendricks et al. U.S. Patent No. 5,600,364 (hereinafter "Hendricks"). In addition, the Examiner has rejected claims 63, 64, 67, 69, 70, 88, 89, 92, 94, and 95 under 35 U.S.C. § 103(a) as being obvious from Matthews in view of Shoff et al. U.S. Patent No. 6,240,555 (hereinafter "Shoff"). In addition, the Examiner has rejected claims 73 and 98 under 35 U.S.C. § 103(a) as being obvious from Matthews.

Applicants' Reply

Applicants have amended claims 51 and 76 in order to more particularly define the invention. No new matter has been added, and the amendments are fully supported by the originally filed application. Support for these amendments may be found at least on page 21, lines 1 through 19 of applicants' specification. Applicants respectfully traverse the Examiner's rejections.

Applicants' amended independent claims 51 and 76 are directed towards systems and methods for using an interactive television program guide implemented on user television equipment of a plurality of users. Local memory of the user television equipment of each user is configured to store program guide data for use by the interactive television program guide. Remote memory at a location remote from the user television

equipment is configured to store supplemental data for access by the interactive television program guide. The interactive program guide monitors program listings displayed in the interactive program guide, as the user browses through the interactive program guide, to determine a potential upcoming need for a given portion of the supplemental data. Responsive to program listings displayed in the interactive program guide that indicate the potential upcoming need, the system automatically supplies the given portion of the supplemental data from the remote memory to the interactive television program guide in advance of the upcoming need.

In contrast, Matthews discloses a system for distributing video content programs to multiple subscribers over a distribution network. FIG. 5 of Matthews shows an EPG user interface 110 including a program grid 118 and hyperlinks 140 integrated as a part of the grid. Matthews, col. 9, lines 56 and 57. The hyperlinks reference target resources that may be located at the head-end or at an independent service provider, and the target resources may further be located locally, having been pre-cached by the system, as recited in Matthews, col. 10, lines 2-6. In particular, Matthews states in col. 10, lines 6-9 that "the system might pre-cache supplemental information about certain shows before they air based on predictive viewing tendencies." Accordingly, the pre-caching of target resources permits "local interactive functionality between the viewer and the viewer computing unit." Matthews, col. 10, lines 6-11.

Applicants respectfully submit that Matthews fails to show or suggest 1) monitoring program listings displayed in the interactive program guide, as the user browses through the interactive program guide, to determine a potential upcoming need for a given portion of supplemental data, and 2) responding to program listings being displayed in the interactive program

guide that indicate the potential upcoming need by supplying the given portion of supplemental information from the remote memory to the interactive television program guide in advance of the upcoming need. According to one example described on page 21, lines 7 through 19 of applicants' specification:

[A]s the user browses through program listings grid 50 of FIG. 4, the program guide may monitor which programs in program listings grid 50 are being displayed on monitor 75. The program guide may then retrieve supplemental information that provides more detailed information for those programs from remote memory and may store the supplemental information relating to those programs in local memory. The program guide therefore anticipates that the user will want to view this detailed information and attempts to minimize the delay associated with displaying the information should the user actually request the information.

Hence, the program guide is adapted to monitor program listings displayed in the interactive program guide as the user browses through the program listings grid in order to determine a potential upcoming need of the user for certain supplemental data.

Pointing to column 10, lines 5-13 and column 11, lines 45-51 of Matthews, the Examiner states that Matthews shows pre-caching supplemental information based on predictive viewing tendencies, and monitoring a viewer's usage pattern of target specifications. Office Action, pages 3 and 5. Even assuming, *arguendo*, that this interpretation of the cited passages is correct, applicants respectfully submit that it still would not show the features defined by applicants' amended claims 51 and 76.

Matthews teaches the use of target resources, which may contain information about programs, and which may be located at a head-end. These target resources may also be pre-cached by

the system based on predictive viewing tendencies, and may therefore be located locally (see column 10, lines 5-13). Additionally, Matthews teaches the use of target specifications, each of which may identify a target resource (see Background). If more than one target specification is associated with a program or channel, the system prioritizes the target specifications using viewer input or by monitoring a viewer's use of target specifications. For example, the system may count the number of times a viewer has requested each target specification and prioritize based on the resulting counts.

Thus, Matthews discloses re-ordering a list of target specifications for a given program by keeping a tally of how many times a user has already requested each target specification. This approach is different from applicants' invention, which relies only on which program listings are displayed in a program guide, and does not require any of the pre-cached system information corresponding to a program listing to have been previously requested by the user. Accordingly, Matthews does not show or suggest 1) monitoring program listings displayed in the interactive program guide, as the user browses through the interactive program guide, to determine a potential upcoming need for a given portion of supplemental data, and 2) responsive to program listings being displayed in the interactive program guide that indicate the potential upcoming need, automatically supplying the given portion of supplemental information from the remote memory to the interactive television program guide in advance of the upcoming need, as defined by applicants' amended claims 51 and 76.

Applicants additionally submit that the limitations in applicants' amended independent claims 51 and 76 are not inherently taught by Matthews. As stated in the Manual of Patent Examining Procedure (hereinafter "MPEP"),

To serve as an anticipation when the reference is silent about the asserted inherent characteristic, such gap in the reference may be filled with recourse to extrinsic evidence. Such evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference

(MPEP 2131.01 (III), emphasis added). Hence, the mere recitation in Matthews of "pre-cach[ing] supplemental information about certain shows before they air based on predictive viewing tendencies" and "monitoring the viewer's usage pattern of the target specifications" does not make clear that the system of Matthews necessarily 1) monitors program listings displayed in the interactive program guide, as the user browses through the interactive program guide, to determine a potential upcoming need for a given portion of supplemental data, or 2) responds to program listings being displayed in the interactive program guide that indicate the potential upcoming need by supplying the given portion of supplemental information from the remote memory to the interactive television program guide in advance of the upcoming need, as required by applicants' amended independent claims 51 and 76. For example, applicants submit that Matthews' prioritization process may instead include determining the most-requested target specifications, and assigning high priorities to them.

For at least the foregoing reasons, applicants submit that amended independent claims 51 and 76 are allowable over the prior art of record. Applicants further submit that claims 52-56, 58, 60-75, 77-81, 83 and 85-100 are allowable at least because each of those claims depends from an allowable independent claim. Accordingly, applicants respectfully request that the § 102 and § 103 rejections of claims 51-56, 58, 60-81, 83, and 85-100 be withdrawn.

Claims 73 and 98

The Examiner has rejected claims 73 and 98 under 35 U.S.C. § 103(a) as being obvious from Matthews. In so doing, the Examiner has taken Official Notice of the features defined in these dependent claims.

Applicants respectfully submit that the Examiner may only take Official Notice of facts outside of the record which are "capable of such instant and unquestionable demonstration as to defy dispute" (MPEP § 2144.03(A)). Applicants also submit that there is no objective basis to conclude that the use of bitmap graphics in pre-cached supplemental data that can be requested after a program guide has been displayed, separate from the data that is used to implement the program guide itself, was well known beyond dispute as of applicants' date of invention (applicants' earliest provisional application was filed June 11, 1998).

Therefore, applicants traverse the Official Notice because it is at least disputable whether the noticed concept was well-known at the time of applicants' invention. If the Examiner maintains the rejection, applicants respectfully request that the Examiner provide a reference in support of the Official Notice (MPEP § 2144.03(C)).

Conclusion

Applicants respectfully submit that this application, as amended, is in condition for allowance. Reconsideration and allowance are therefore respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Chia-Hao La', is written over a horizontal line.

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